

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

RAHMON ALLEN, *et al.*,

Defendants.

Case No. 12-00291-18-CR-W-GAF

**UNITED STATES' SUPPLEMENT TO *MOTION IN LIMINE*
TO LIMIT IMPEACHMENT OF GOVERNMENT
WITNESS WITH IMPROPER PRIOR CONVICTIONS**

The United States of America, moves the Court to limit the defendant's ability to impeach three additional Government witnesses, Robert Taylor, Daniel Caraveo, and Terry Hutton, with prior convictions that are not admissible under Federal Rule of Evidence 609.

I. Government's Motion in Limine on 8/21/2019

On August 21, 2019, the Government filed its Motion in Limine to Limit Impeachment of Government Witnesses with Improper Prior Convictions. (Doc. #915). That Motion pertained to Government witnesses Andre Taylor and Ruben Machiche.

The Government adopts and incorporates the background facts and law set forth in that Motion.

II. Three Additional Government Witnesses: Prior Conviction/Impeachment Issue

The Government supplements its Motion to identify three more Government witnesses: Robert Taylor, Daniel Caraveo, and Terry Hutton. The Government moves the Court to limit Mr. Allen's ability to impeach those three witnesses with prior convictions under Federal Rule of Evidence 609.

Robert Taylor's prior convictions are:

- On 3/5/2001, pled guilty to trafficking drugs, 2d degree, in Jackson County, Missouri, Circuit Court case number CR00-3813-01 – he was given a suspended imposition of sentence and three years' probation
- On 8/21/2014, Robert Taylor pled guilty to count one of the second superseding indictment here charging him with conspiracy to distribute 1,000 kilograms or more of marijuana and 5 kilograms of cocaine in this case- on 4/21/2015, Judge Fenner sentenced Robert Taylor to 59 months in prison

Daniel Caraveo's prior convictions are:

- In /2004, juvenile adjudication for misdemeanor stealing in Texas
- In 9/2009, convicted of DWI in Arizona
- In 2/2013, arrested in Missouri, but no charges were filed per CaseNet

Terry Hutton's prior convictions in 2004 are:

- Two counts of assault 1st degree – sentenced to 20 years and 5 years
- One count of firing weapon into motor vehicle causing injury and/or death – sentenced to ten years
- Two counts of armed criminal action – sentenced to 5 years and 10 years

In 2015, Hutton was convicted/sentenced in Oklahoma for:

- Two counts of assault and/or battery with a deadly weapon
- One count of discharging firearm into a dwelling
- One count of murder 2nd degree
- One count of use of vehicle in discharge of a weapon
- Three counts of using offensive weapon in a felony

III. Limits on R. Taylor's, Caraveo's, and Hutton's Potential Impeachment

The *only* prior conviction of Robert Taylor that may be used to potentially impeach him is his felony conviction in this case because it occurred within the past ten years. His prior conviction for drug trafficking in 2001 is not within the last ten years or “a dishonest act or false statement.” See Fed. R. Evid. 609(a)(2) and (b).

Similarly, the *only* prior conviction of Daniel Caraveo that may be used to potentially impeach him is his Arizona DWI conviction because it occurred within the past ten years. His

prior juvenile adjudication in 2004 is not within the last ten years or “a dishonest act or false statement.” His February 2013 arrest did not result in charges.

Similarly, the *only* prior conviction of Terry Hutton that may be used to potentially impeach him are his 2015 convictions because they occurred within the past ten years. His 2004 convictions are not within the last ten years or “a dishonest act or false statement.”

Conclusion

The Government respectfully requests the Court rule that defendant may not use Robert Taylor’s, Daniel Caraveo’s, or Terry Hutton’s, prior convictions to attempt to impeach them, except as specified herein, because the remaining convictions are either stale and without any exceptional circumstance supporting their use or do not involve dishonesty or a false statement.

Respectfully submitted,

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By */s/ Stefan C. Hughes*

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on August 23, 2019, to the CM-ECF system of the United States District Court for the Western District of Missouri for electronic delivery to counsel of record.

/s/ Stefan C. Hughes
Stefan C. Hughes
Assistant United States Attorney